

FILE COPY

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
STEVEN L. NOTTLESON, O.D.,	:	93 OPT 010
RESPONDENT	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Steven L. Nottleson, O.D.
1545 Main Street
Marinette, WI ~~54166~~ 54143

Optometry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Steven L. Nottleson, O.D. (D.O.B. 8/30/57) is duly licensed as an optometrist in the state of Wisconsin (license #1960). This license was first granted on July 28, 1983.
2. Dr. Nottleson's address is 1545 Main Street, Marinette, WI 54143.
3. During April, May and June, 1993, the Respondent saw patient CD. The patient had suffered a corneal abrasion due to a paper cut on April 26, 1993.
4. The initial patching and care for CD's injury were performed at a local hospital.
5. On April 28, 1993, patient CD saw the Respondent for purposes of changing her eyeglass prescription. Due to the corneal abrasion, the prescription was not changed at that time.
6. On May 3, 1993, CD returned for completion of her eye examination. Patient CD had no complaints about her eye on this visit.

7. On May 12, 1993, patient CD returned to the Respondent's office with complaints of pain and foreign body sensation. The Respondent treated CD with 5% hypertonic saline/GTTS QID X 30 days.

8. On June 28, 1993, CD returned with complaints of foreign body sensation after discontinuing the 5% saline drops. The Respondent reabraded the area of incomplete healing and patched CD using polysporin ophthalmic ointment.

9. The patient called the Respondent's office on June 29, 1993. The Respondent did not personally see CD on June 29, 1993, but the Respondent's office staff repatched and instilled an antibiotic in CD's eye.

10. Following repatching by the Respondent's staff, CD experienced pain and irritation. CD telephoned the Respondent at approximately 6:30 p.m. on June 29, 1993 and at that time the Respondent authorized a prescription for Tylenol III and offered to see the patient.

11. Patient CD did not see the Respondent again and sought treatment for her injury elsewhere.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to take disciplinary action against the Respondent pursuant to sec. 447.09, Wis. Stats.

2. That by failing to schedule Patient CD for appropriate follow up care for the day following the reabradement and patching, the Respondent has practiced below the accepted standards of the profession, contrary to W.A.C. sec. OPT 5.02 and sec. 449.07, Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Steven L. Nottleson is REPRIMANDED.

OPTOMETRY EXAMINING BOARD

By: Lynda Jarrar, OD
A Member of the Board

Date

1/12/95

STATE OF WISCONSIN
BEFORE THE OPTOMETRY EXAMINING BOARD

IN THE MATTER OF	:	
DISCIPLINARY PROCEEDINGS AGAINST	:	STIPULATION
STEVEN L. NOTTLESON, O.D.,	:	93 OPT 010
RESPONDENT	:	

It is hereby stipulated between Steven L. Nottleson, personally on his own behalf and Michael J. Berndt, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

1. This Stipulation is entered into as a result of a pending investigation of Dr. Nottleson's licensure by the Division of Enforcement (93 OPT 010). Dr. Nottleson consents to the resolution of this investigation by stipulation and without the issuance of a formal complaint.

2. Dr. Nottleson understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Dr. Nottleson is aware of his right to seek legal representation and has been provided an opportunity to obtain legal advice prior to signing this stipulation.

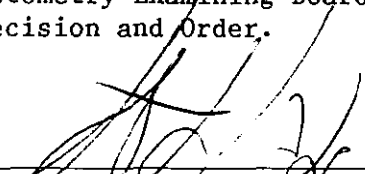
4. Dr. Nottleson agrees to the adoption of the attached Final Decision and Order by the Optometry Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

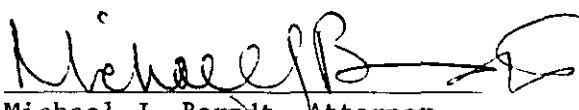
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Optometry Examining Board assigned as an advisor in this investigation may appear before the Optometry Examining Board for the purposes of speaking in support of this

agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

7. The Division of Enforcement joins Dr. Nottleson in recommending the Optometry Examining Board adopt this Stipulation and issue the attached Final Decision and Order.


Steven L. Nottleson, O.D.

10-26-94
Date


Michael J. Berndt, Attorney
Division of Enforcement

11/7/94
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN OPTOMETRY EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JANUARY 18, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)